IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.17648 OF 2005

Between:

C.Eshwaraiah … Petitioner

Versus

The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad & Anr. … Respondents

Counsel for the Petitioner : Mr.BVVS Murthy

Counsel for the Respondent No.1: Mr.Rama Rao Ganta

Counsel for the Respondent No.2: None appeared

O R D E R :

This writ petition is filed seeking mandamus to direct the first respondent to take action and remove the unauthorized constructions made against the sanctioned plan and not maintaining the set backs, projecting balconies, encroaching the road margin and occupying the foot path over the premises bearing M.No.12-2-417/83/B, situate at Sharadanagar, Talagadda, Hyderabad.

The petitioner submits that he is the owner of the property bearing M.No.13-4-236, situate at Sabzi Mandi, Hyderabad. Whereas the second respondent is the owner of

the property ebaring M.No. 12-2-417/83/B, situate at Sharadanagar, Talagadda, Hyderabad. The second respondent has unauthorisedly constructed ground and upper three floors over the above said property in utter violation of the building bye-laws and zoning regulations and also the provisions of the Hyderabad Municipal Corporation Act.

The grievance of the petitioner is that the said construction is against the sanctioned plan of the Municipal Corporation of Hyderabad by not maintaining the set backs, projection of balconies on the roadside and encroached the road margins.

In view of the above, the petitioner has lodged a complaint on 05-7-2005 to the first respondent with regard to the aforesaid unauthorized constructions made by the second respondent but no action has been taken so far.

The grievance of the petitioner is that though the first respondent has acknowledged the complaint dated 02-7-2005 but the first respondent has kept quiet instead of invoking the provisions of section 405 of Hyderabad Municipal Corporation Act, without issuing any notice to the second respondent and it appears that the first respondent has allowed the second respondent to proceed with illegal constructions.

Considering the facts and circumstances, it is too early to direct the first respondent to consider the complaint dated 05-7-2005 lodged by the petitioner, as it was filed only on 05-7-2005. However, in the circumstances, the first respondent is directed to consider and dispose of the complaint dated 05-7-2005 lodged by the petitioner and pass appropriate orders on merits and in accordance with law, within four weeks

from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.